

Claims 37-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention, is respectfully traversed and is addressed in light of the comments below.

Claims 37 and 39 have been amended to depend upon claim 29 wherein the support for the phrase "said masking agent containing a carboxylic acid function" has antecedent basis. There is also support for this phrase in Claim 38 depending upon claim 37 and in claim 40 depending upon claim 39.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 37-40 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention.

Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention, is respectfully traversed and is addressed in light of the comments below.

Claim 43 has been amended to read "said carboxylic acid function is directly linked to an aromatic ring" as set forth in claim 14 as filed.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claim 43 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention.

The rejection of claims 27, 29, 30, 32, 37-40, 43, 45-50, and 52-55 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art, that the inventor(s) at the time the application was filed, had possession of the claimed invention, is respectfully traversed and is addressed in light of the comments below.

The phrase "wherein the ratio in equivalents between the carboxylic acid functions or their salts thereof, on the one hand, and the isocyanate functions which are masked, free and which have reacted with the agent bearing carboxylic acid functions, on the other hand, is at least equal to 5%, and is not more than 2/3" finds basis in the combination of claims 5 and 6 as filed. This combination is explicitly set forth in the preamble of claims 6 by the phrase "according to claims 1 to 5".

Applicant agrees that the instant claims involves a carboxylic function, which is either an acid or a salt. The claimed isocyanate composition which is at least partially masked, comprises at least one carboxylic acid function or salts thereof and is at least partially masked with at least one masking agent, said one masking agent not bearing a carboxylic acid function or salts thereof. As stated from page 9 line 22 to page 10 line 8, when an isocyanate compound bearing a Z function is used as a masking agent, Z does not bear an acid function but other chemical functions which are further described in the paragraph of page 18, lines 10-25. This paragraph does apply to a compound used as a masking agent as set forth from page 17, line 9 to page 18, line 9. The paragraph of page 18, lines 10-25, further teaches that, if Z does bear a hydrogen atom, the pKa thereof must be at least equal to about 20. Thus, it makes sense that,

according this paragraph, the use of a compound bearing a very weakly acid hydrogen as a masking agent, is the least recommended. For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 27, 29, 30, 32, 37-40, 43, 45-50, and 52-55 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art, that the inventor(s) at the time the application was filed, had possession of the claimed invention.

The rejection of claims 27, 29, 30, 32, 37-40, 43, 45-50, and 52-55 under 35 U.S.C. 102 (b) as being anticipated by EP 56167, is respectfully traversed and is addressed in light of the comments below.

EP 56167 relates to a combination of (A) polyurethane prepolymers containing carboxyl groups and derived from polyisocyanate, hydroxycarbocyclic acids and blocking agents containing 1-40% of blocked isocyanate groups, and (B) homo-or hetero functional groups containing or generating hydroxyl groups (such as epoxide) in order to obtain a cross-linked product with a low COOH-groups contain.

EP 56167 does not teach an isocyanate composition whose masking agent does not a carboxylic acid function or salts thereof and presenting one carboxylic acid function being grafted onto the isocyanate composition by reaction of a precursor of said composition via an agent bearing the carboxylic acid function and a function which reacts with a free isocyanate function. Moreover, EP 56167 does not teach a ratio in equivalents between the carboxylic acid functions or their salts thereof, on the one hand, and the isocyanate functions which are masked, free and which have reacted

with the agent bearing carboxylic acid functions, on the other hand, is at least equal to 5%, and is not more than one third. EP 56167 does not suggest that the instant isocyanate composition presents the unexpected property of increasing the glass transition temperature T_g . According to examples 7-9 and 16-19 of the instant specification, T_g increases from below 0°C to a value from 20 to 40 °C. The instant claimed isocyanate composition has been amended to present a glass transition temperature at least equal to 20°C, as disclosed on page 11, lines 5-12 of the instant specification.

In view of the above comments, the rejection of claims 27, 29, 30, 32, 37-40, 43, 45-50, and 52-55 under 35 U.S.C. 102 (b) as being anticipated by EP 56167, should be withdrawn.

The rejection of claim 52 under 35 U.S.C. 103(a) as being unpatentable over EP 56167 in view of Witte et al., or Kurek et al., is now moot because claim 52 has been cancelled.

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Serial 09/463,525
Amendment

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned attorney at (609) 860-4194. A notice of allowance is respectfully solicited.

Respectfully submitted,

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Marked-up amended claims

Please amend claim 27 as follows:

27. (Twice amended) An isocyanate composition which is at least partially masked, comprising at least one carboxylic acid function or salts thereof and being at least partially masked with at least one masking agent, said one masking agent not bearing a carboxylic acid function or salts thereof and said one carboxylic acid function being grafted onto the isocyanate composition by reaction of a precursor of said composition via an agent bearing the carboxylic acid function and a function which reacts with a free isocyanate function, wherein the ratio in equivalents between the carboxylic acid functions or their salts thereof, on the one hand, and the isocyanate functions which are masked, free and which have reacted with the agent bearing carboxylic acid functions, on the other hand, is at least equal to 5%, and is not more than $\frac{2}{3}$, said composition having a glass transition temperature at least equal to 20°C.

Please amend claim 37 as follows:

37. (Twice Amended) A composition according to Claim ~~27~~ 29, wherein said masking agent containing a carboxylic acid function represents, in equivalents, at least 10% of the masking agent.

Please amend claim 39 as follows:

39. (Twice Amended) A composition according to Claim ~~27~~ 29, wherein said masking agent containing a carboxylic acid function contains, per masking agent, not more than 4 freely rotating methyl or methylene groups.

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Please amend claim 43 as follows:

43. (Twice Amended) A composition according to Claim 27, wherein said carboxylic acid function is directly linked ~~onto~~ an aromatic ring of the isocyanate composition.

Please cancel claim 52.